

Translation

PATENT COOPERATION TREATY

PCT/JP2003/004069



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference HP197	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/004069	International filing date (<i>day/month/year</i>) 31 March 2003 (31.03.2003)	Priority date (<i>day/month/year</i>)
International Patent Classification (IPC) or national classification and IPC D02G 3/38		
Applicant HIROTA, Yusuke		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 30 August 2004 (30.08.2004)	Date of completion of this report 11 May 2005 (11.05.2005)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-16 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 4, 6, 7 _____, as originally filed/furnished
- pages* _____ 1-3, 5, 8-10, 13 _____, as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1/4-4/4 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. _____ 11, 12 _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10, 13	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-10, 13	NO
Industrial applicability (IA)	Claims	1-10, 13	YES
	Claims		NO

2. Citations and explanations

Document 1: JP 5-179535 A

Document 2: JP 11-1835 A

Claims 1 to 10 and 13

Documents 1 and 2

Document 1 discloses a fiber material comprising a synthetic fiber containing titanium oxide and a natural fiber (claims, paragraph [0011]), and discloses the use of polyester fiber and nylon fiber as the synthetic fiber (paragraph [0011]).

Document 2 discloses a fiber material comprising a natural fiber and a polyester fiber containing titanium oxide (claims, paragraph [0011]).

Documents 1 and 2 do not make any particular disclosures pertaining to the use of silk or animal hair fibers as the natural fiber, but this type of fiber provides the same effect as natural fibers such as cotton, linen, or rayon, and the use thereof is merely a widely implemented feature (if more documentation pertaining to this feature is necessary, see: JP 4-257333 A (claim 3), WO 01/88237 A (claim 4), or JP 2002-275736 A (claim 2)).

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Further, the combination of titanium oxide and silk fiber is a merely a known technique, as the applicant himself notes in the presentation of prior art documents in the background art portion of the description.

Thus, a person skilled in the art could easily conceive of simply using the above two types of fiber—which are merely representative materials, widely used as materials that produce the same effect as natural fibers such as cotton, and which are known in combination with titanium oxide—as the natural fiber in the invention disclosed in documents 1 and 2.

Moreover, even considering the possible effect of selecting the above two fibers, the description cannot be said to provide any disclosure pertaining to the advantages of using the above two fibers. Further, a feature wherein a synthetic fiber is made to contain titanium oxide is disclosed in detail in documents 1 and 2, and as the applicant himself notes, it is known that titanium oxide prevents yellowing, and thus, the invention cannot be considered to produce an exceptional effect.